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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Moore, Jr., et al.)
 Serial No.: 10/729,681) Group Art Unit: 3637
 Filing Date: December 5, 2003) Examiner: NYA
 For: COLLAPSIBLE PLASTIC)
 PALLET DESIGN)



Office of Petitions
 Mail Stop Petitions
 Commissioner of Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

PETITION REGARDING OMITTED ITEMS
UNDER 37 CFR § 1.182

Sir:

This Petition under 37 CFR § 1.182 is being filed in response to the Notice of Incomplete Nonprovisional Application. Namely, the application was allegedly filed without drawings. Applicants assert that all of the drawings were included with the application when the application was filed. Therefore, Applicants hereby petition that the filing date of December 5, 2003 be accorded to the present application as all of the figures, namely 26 sheets of figures, were submitted with the application when it was mailed to the USPTO on December 5, 2003.

Accompanying this petition is: a Statement by Attorney in support of this Petition, which sets forth the facts regarding the filing of the application; a copy of the transmittal sheets that were attached to the application when the application was submitted; a copy of the post card, which has been stamped by the Patent Office; and copies of the figures as originally filed with the present application.

As can be seen from the postcard and the transmittal sheets, the applicants noted the submission of 26 sheets of figures. The postcard was stamped by the USPTO, thereby acknowledging receipt of the figures. It is noted that the present application is a Divisional Application of U.S. Patent Appln. Serial No. 09/938,954, the entire disclosure of which (and

10/29/2004 HALI11 00000004 10729681

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hence the figures) were incorporated into the above-identified application by reference. Therefore, the figures were both sent with the application when filed and were incorporated by reference from the parent application.

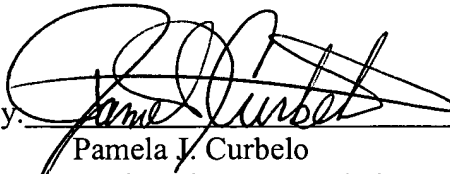
Applicants herein request reconsideration regarding the finding that the figures were omitted from the application when filed, and request the present application be accorded the filing date of December 5, 2003.

A check in the amount of \$130.00 to cover the small entity petition fee pursuant to 37 CFR 1.17(h) is enclosed herewith.

If there are any additional charges with respect to this Petition or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By. 
Pamela J. Curbelo
Registration No. 34,676

Date: October 25, 2004
Customer No.: 23413
Telephone: (860) 286-2929

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8) Applicant(s): Moore, Jr. et al.			Docket No. INI-0031-D2	
Application No. 10/729,681	Filing Date December 5, 2003	Examiner NYA	Customer No. 23413	Group Art Unit 3637
Invention: COLLAPSIBLE PLASTIC PALLET DESIGN				
<div data-bbox="126 432 362 663"></div> <p>I hereby certify that this <u>Response to Notice of Incomplete Non-Provisional Application</u> <i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>October 26, 2004</u> <i>(Date)</i></p> <div data-bbox="706 976 1471 1150"><p>Sonia Mancini <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p><p> <i>(Signature of Person Mailing Correspondence)</i></p></div> <p>Note: Each paper must have its own certificate of mailing.</p> <div data-bbox="133 1396 1474 1990"></div>				



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Moore, Jr., et al.)	
)	Group Art Unit: 3637
Serial No.:	10/729,681)	
)	Examiner: NYA
Filing Date:	December 5, 2003)	
)	
For:	COLLAPSIBLE PLASTIC)	
	PALLET DESIGN)	

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

STATEMENT BY ATTORNEY

Sir:

As is standard practice in the filing of a patent application, the application is prepared for filing; e.g., the application is formatted, transmittal forms are prepared, and the postcard is prepared. The application (including the drawings), the declaration, the postcard, transmittal forms, and check were provided to me for review. Once the package was reviewed to ensure the priority was claimed, that all necessary boxes were marked on the transmittal form, and that all documents were present as noted in the transmittal and the postcard (e.g., the declaration, figures, and all pages of the application), the transmittal form was signed. The package was then copied and the original was submitted with the U.S. Postal Service (Express Mail).

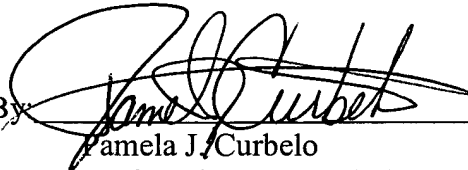
The stamped postcard was received back from the USPTO.

INI-0031-D2

If there are any additional charges with respect to this Statement or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By 
Pamela J. Curbelo
Registration No. 34,676

Date: October 25, 2004
Customer No.: 23413
Telephone: (860) 286-2929



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/729,681	12/05/2003	Roy E. Moore JR.	INI-0031-D2

23413
 CANTOR COLBURN, LLP
 55 GRIFFIN ROAD SOUTH
 BLOOMFIELD, CT 06002



CONFIRMATION NO. 3168

FORMALITIES LETTER



OC000000013964170

Date Mailed: 10/01/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

T. Ketsels

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

THE STAMP OF THE PATENT OFFICE, PLACED HEREON, ACKNOWLEDGES RECEIPT OF:

Attorney Docket: INI-0031-D2 Date Mailed: 12/5/2003

In Re Application Of: Roy E. Moore, Jr. et al.

For: COLLAPSIBLE PLASTIC PALLET DESIGN

Utility Patent Application Transmittal (4 sheets); Specification (30 sheets);
Figures (26 sheets); Declaration (3 sheets); Transmittal of IDS (2 sheets);
PTO Form 1449 (12 sheets); Check in the amount of \$385.00 for the
application filing fee; and Certificate of Mailing by Express Mail (1 sheet)

Express Mailed to USPTO on: 12/5/2003
Express Mail Label No.: EV 299530069 US

03917 U.S.PTO
10/729681



120503

Received in the USPTO on:



CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Roy E. Moore, Jr. et al.

Docket No.

INI-0031-D2

Serial No.

NYA

Filing Date

December 5, 2003

Examiner

NYA

Group Art Unit

NYA

Invention: COLLAPSIBLE PLASTIC PALLET DESIGN

I hereby certify that the following correspondence:

Utility Patent Application Transmittal (4 sheets); Specification (30 sheets); Formal Figures (26 sheets); Declaration (3 sheets); Transmittal of IDS (2 sheets); PTO Form 1449 (12 sheets); Check in the amount of \$385.00 for the application filing fee, and Acknowledgment Receipt Postcard (1)

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

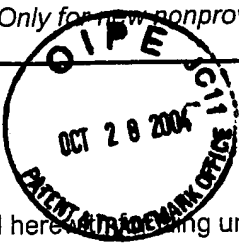
December 5, 2003*(Date)*Agatha Skierkowski*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EV 299530069 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
INI-0031-D2

Total Pages in this Submission
78



TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for processing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

COLLAPSIBLE PLASTIC PALLET DESIGN

and invented by:

Roy E. Moore, Jr., Ronald P. Brochu and Daniel J. Swistak

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/938,954

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 30 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
INI-0031-D2

Total Pages in this Submission
78

Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal Number of Sheets 26
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EV 299530069 US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Total Pages in this Submission
78

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: _____

18. ☐ Additional Enclosures (*please identify below*):

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19. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
INI-0031-D

Total Pages in this Submission
80



Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	10	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$385.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$385.00

- ☒ A check in the amount of \$385.00 to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 06-1130 as described below.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: December 5, 2003

Signature

Pamela J. Curbelo
Reg. No. 34,676
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 23413

CC: